

correct formal matters not effecting the scope of the claims. It is submitted that no new matter has been added and no new issues have been raised by the present Amendment.

Claims 7-12, 15 and 17-27 were rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite. Claim 12 was rejected under Section 112, first paragraph, as allegedly containing subject matter not sufficiently described in the specification. Without conceding the propriety of these rejections, the claims have been reviewed and amended with particular attention to the points raised in the Office Action. Withdrawal of these rejections is respectfully requested.

Claims 1-17 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 5,950,207 to Mortimore et al. Claims 1-17 were also rejected under 35 U.S.C. Section 102(e) as allegedly anticipated by U.S. Patent No. 5,971,923 to Finger. Applicants have carefully considered Examiners comment and the cited art, and respectfully submit that independent claims 1, 18 and 23 are patentably distinct over the cited art, for at least the following reasons. No mention of an art rejection relating to claims 18-27 was made in the Office Action. However, no indication that claims 18-27 would be allowable if amended to overcome the above-noted formal rejections could be found in the Office Action either. Clarification regarding the status of claims 18-27 is respectfully requested.

Independent claim 1 relates to a method of generating medical information including quantitative and image data, comprising steps of performing an image acquisition of at least a portion of patient to be examined, generating image data based on the performed acquisition, generating quantitative data based on the performed acquisition and constructing a DICOM compatible file, the image data being provided in an image data field and the quantitative data

being provided in a field of the DICOM compatible file other than the image data field.

Mortimore et al., as understood by Applicants, relates to a computer based multimedia medical database management system and user interface. A unique identifier is generated and linked to each data object, preferably at the time the images are generated. A graphical representation of the identifier is incorporated into the image or text when displayed or printed. As described at column 5 lines 32-51 of Mortimore et al., text objects may accompany the image data. As understood by Applicants, text objects such as patient name, date, reports etc. related to an image or set of images may be "linked" with the data by assigning an identifier to the text object. The text object and data object may then be "linked" for example according to their respective identifiers. A separate identifier is assigned to a data object containing the identifiers for both the text object and the data object, as well as any other associated data.

Finger, as understood by Applicants relates to an apparatus and method for processing ultrasound data. As described at column 22 lines 63-67 of Finger, in addition to any processing of the ultrasound data, a CPU 74 can generate text and graphics for display with the ultrasound image data.

The Office Action indicates that in Mortimore et al. and Finger, the quantitative data is considered to be placed in a field other than an image field. However, the Office Action does not specifically point out what portions of the cited art allegedly disclose this feature. Applicants submit the cited art fails to teach or suggest a DICOM compliant file such as that in Claim 1.

For example, Applicants find no teaching or suggestion in the cited art of a method of generating medical information including quantitative and image data, comprising generating

image data and quantitative data based on a performed acquisition, and constructing a DICOM compatible file including at least two components: (1) the image data which is provided in an image data field and (2) the quantitative data which is provided *in a field of the DICOM compatible file* other than the image data field.

Accordingly, Applicants, submit independent claim 1 is patentably distinct from the cited art.

The Office is hereby authorized to charge any additional fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition, and the Commissioner is authorized to charge the requisite fees to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Entry of this amendment and allowance of this application are respectfully requested.

Respectfully submitted,



RICHARD F. JAWORSKI

Reg. No.33,515

Attorney for Applicants

Cooper & Dunham LLP

Tel.: (212) 278-0400

VERSION WITH MARKINGS TO SHOW CHANGES IN THE CLAIMS

Please amend claims 7, 8, 10-12, 15, 18, 22 and 23 as follows:

7. (Amended) A method as recited in claim 1, wherein the quantitative data is provided in [the] an image comments field and is in a form of at least one of HTML, XML and Java Script files.
8. (Amended) A method as recited in claim [1] 7, wherein the quantitative data in the image comments field contains [the] analysis results in computer readable form.
10. (Amended) A [system] method as recited in claim 8, wherein the computer readable form is HTML.
11. (Amended) A method as recited in claim 1, further comprising steps of:
 - communicating the DICOM compatible file across a network;
 - receiving the DICOM compatible file at a DICOM compliant station;
 - extracting the quantitative data from the field of the DICOM compatible file other than the image data field [image comments field of the DICOM compatible file]; and
 - generating a report using the extracted quantitative data.
12. (Amended) A method as recited in claim 11, wherein the extracting step is performed using a [Hologic Active X Control] software control.

15. (Amended) A method as recited in claim [1] 7, wherein data in the Image Comments field contains parameters which control a process of report generation allowing for customization of a report.

18. (Twice Amended) A method of generating a DICOM file including embedded quantitative data, said method comprising:

generating a report image file from quantitative data;

embedding the report image file as an image file portion of the DICOM file; and

embedding the quantitative data, used to create the report image file, in a [field] portion of the DICOM file other than the image [data field] file portion.

22. (Amended) A method as recited in claim 18, wherein the quantitative data is embedded in [other field comprises] an Image Comments field of the DICOM file.

23. (Twice Amended) A computer executable software code stored on a computer readable medium, the code for creating a DICOM compliant file, said code comprising:

code for creating a report, including quantitative data, from acquisition data generated by at least one of an image capture device [or] and another form of data entry;

code for creating a bitmap image file representing the created report;

code for embedding the bitmap image file in an image field of a DICOM compliant file; and

code for embedding the quantitative data in a field of the DICOM compliant file other

than the image field.